

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

Dianna L. Wallen and Daniel Larsen,

Plaintiffs,

and

Blue Cross Blue Shield of Wisconsin and
Wisconsin Department of Health Services,

Involuntary Plaintiffs,

v.

Hobby Lobby Stores, Inc., Hobby Lobby
Store #0358-Manitowoc, ABC Insurance
Company and Xavier Becerra, Secretary
of the Department of Health and Human
Services,

Defendants.

Civil File No: _____
Circuit Court File No. 2021CV000163

**DEFENDANTS HOBBY LOBBY
STORES, INC. AND HOBBY LOBBY
STORE #0358 – MANITOWOC’S
NOTICE OF REMOVAL**

COMES NOW, Defendants, Hobby Lobby Stores, Inc. and Hobby Lobby Stores #0358-Manitowoc (collectively “Hobby Lobby”), by and through their undersigned counsel, pursuant to 28 U.S.C. § 1441, and files this Notice of Removal of the above lawsuit, originally filed in the Circuit Court of Manitowoc County, State of Wisconsin, and in support of its Notice of Removal, states as follows:

1. This case is a civil action over which this Court has original jurisdiction, pursuant to 28 U.S.C. § 1332, and is one which may be removed to this Court under 28 U.S.C. § 1441.

2. On or about April 22, 2021, Plaintiffs Dianna L. Wallen and Daniel Larsen filed their Complaint for Damages in the Manitowoc County Circuit Court, State of Wisconsin. A copy of Plaintiffs' Complaint is attached hereto as Exhibit A. Service was effectuated on Hobby Lobby on June 2, 2021. Therefore, this Notice of Removal has been timely filed within thirty days pursuant to 28 U.S.C § 1446.

3. Plaintiff identified Blue Cross Blue Shield of Wisconsin and Wisconsin Department of Health Services as involuntary Plaintiffs. (Plaintiff and involuntary Plaintiffs collectively referred to as "Plaintiffs") *See* Ex. A, ¶¶ 2-3.

4. Plaintiffs are citizens of Wisconsin. *See* Ex. A, ¶¶ 1-2.

5. Involuntary Blue Cross Blue Shield of Wisconsin is a Wisconsin corporation with its principal place of business in Waukesha, Wisconsin.

6. Involuntary Wisconsin Department of Health Services is a Wisconsin corporation with its principal place of business in Madison, Wisconsin

7. Defendant Hobby Lobby Stores, Inc. is an Oklahoma corporation with its principal place of business in Oklahoma City, Oklahoma. *See* Ex. A, ¶ 4.

8. ABC Insurance Company is a fictitious entity identified by Plaintiffs and is not an actual party. *See* Ex. A, ¶6.

9. Defendant Xavier Becerra, as Secretary of the United States of Health and Human Services is a representative of the government of the United States of America. *See* Ex. A ¶.

10. In their Complaint, Plaintiffs claim damages allegedly caused by a picture frame that is alleged to have struck Dianna Wallen allegedly causing serious and

permanent injuries (*See* Ex. A, ¶ 9); extreme pain, disfigurement, suffering, and anguish for the duration of his life (*See* Ex. A, ¶ 22); loss of income and a permanent loss of his earning capacity (*See* Ex. A, ¶ 23); and medical expenses and costs necessary for treatment (*See* Ex. A, ¶ 23).

11. The amount in controversy in this case exceeds Seventy-Five Thousand Dollars (\$75,000), exclusive of interests and costs based upon claimed medical expenses and pre-suit demands made by Plaintiffs.

12. Because complete diversity of citizenship exists between Plaintiffs and Defendants, and the amount in controversy reasonably exceeds Seventy-Five Thousand Dollars (\$75,000), removal to this Court is proper under 28 U.S.C. §§ 1332, 1441, and 1446.

13. Venue is proper in this Court because Manitowoc County is in the Eastern District of Wisconsin.

14. There is filed as an attachment to this Notice of Removal a true and correct copy of the state court's pleadings served upon Defendants in this action (Ex. A – Summons & Complaint and Ex. B – Answer, Counterclaim and Cross-Claim of Involuntary Plaintiff, Blue Cross Blue Shield of Wisconsin) and currently on file in the Circuit Court of Manitowoc County, State of Wisconsin.

15. Also accompanying and attached to this Notice of Removal is a Civil Cover Sheet for filing in this Court.

16. Hobby Lobby has given written notice to Plaintiffs of the filing of this Notice of Removal and will file a copy of this Notice of Removal with the Clerk of the Circuit Court of Manitowoc County, State of Wisconsin.

17. Based on the foregoing, Hobby Lobby respectfully requests that this Court accept jurisdiction of this action.

WHEREFORE, Hobby Lobby prays the above-captioned matter be removed from the Circuit Court of Manitowoc County, State of Wisconsin, to this Court, and for such other and further relief as this Court deems just and proper under the circumstances.

ARTHUR, CHAPMAN, KETTERING,
SMETAK & PIKALA, P.A.

Dated: June 30, 2021

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